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15 Attorneys for Plaintiff
16 DANIEL DRAKE

17
18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20

21 DANIEL DRAKE,
22 Plaintiff,
23 v.

24 KRAFT FOODS GLOBAL, INC.;
NABISCO, INC.; and
25 Does 1 through 20, inclusive,
26 Defendants.

Case No. C 08-04824 SI

STIPULATION TO CONTINUE INITIAL
CASE MANAGEMENT CONFERENCE
DEADLINES; AND [PROPOSED] ORDER

Action Filed: November 30, 2007
Trial Date: None set

STIPULATION

Plaintiff Daniel Drake ("Plaintiff"), through his counsel of record, and Defendant Kraft Foods Global, Inc. ("Defendant"), through its counsel of record, hereby stipulate and agree as follows:

1. Plaintiff filed his initial Complaint in San Francisco Superior Court on November 30, 2007. Defendant was never served with Plaintiff's initial Complaint.

2. Plaintiff subsequently filed his First Amended Complaint on August 7, 2008. Plaintiff's First Amended Complaint alleges the following causes of action: (i) disability discrimination; (ii) failure to reasonably accommodate known physical disability; (iii) failure to engage in timely good faith interactive process with employee; (iv) age discrimination; and (v) wrongful termination in violation of public policy. Defendant was served with the First Amended Complaint on September 22, 2008.

3. Defendant timely removed Plaintiff's lawsuit to this Court on October 22, 2008. Upon removal, this action was assigned to U.S. Magistrate Judge Edward M. Chen.

4. On January 6, 2009, Defendant filed a Declination to Proceed Before a U.S. Magistrate Judge. On January 9, 2009, this action was assigned to U.S. District Judge Susan Illston.

5. Since removal of this lawsuit, Plaintiff and Defendant (collectively, "the Parties"), through their respective counsel of record, have engaged in multiple discussions to determine the feasibility of resolving this matter through private mediation.

6. The Parties have agreed to mediate this matter in front of Hon. Rebecca Westerfield no later than April 23, 2009. The Parties filed a Stipulation to ADR Process on February 3, 2009.

7. In light of the foregoing, the Parties have agreed to the following revised case management schedule subject to the Court's approval:

- a. May 1, 2009 is the last date to meet and confer regarding initial disclosures.
- b. May 8, 2009 is the last date to file a Rule 26(f) Report, to complete initial disclosures or to state objections in the Rule 26(f) Report, and to file a Case Management Statement.

1 c. The initial Case Management Conference in Courtroom 10, 19th Floor, will be held
2 at 2:00 p.m. on May 15, 2009.
3

4 IT IS SO STIPULATED.
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6 DATED: February 6, 2009
7

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

8
9 By: 
10 Douglas J. Farmer
11 David D. Sohn

Attorneys for Defendant
KRAFT FOODS GLOBAL, INC.
12

13 DATED: February 6, 2009
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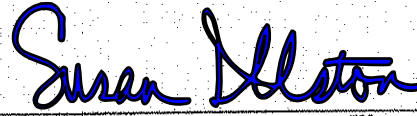
15 By: 
16 John C. Elsbree

Attorneys for Plaintiff
DANIEL DRAKE
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: February __, 2009



Hon. Susan Illston
U.S. District Judge